

**Naturally Potatoes a Basic
American Foods Division, LLC
Aroostook County
Mars Hill, Maine
A-911-71-C-T
W007949-5P-C-T**

**Departmental
Findings of Fact and Order
Transfer**

After review of the file and related materials submitted with regard to the above noted application, pursuant to Title 38, M.R.S.A., Section 590 and Chapter 2 of the Department Regulations, the Department finds the following facts:

I. Registration

Naturally Potatoes a Basic American Foods Division, LLC has requested the transfer of all licenses and agreements from Fresh Way Inc. d/b/a Naturally Potatoes to Naturally Potatoes a Basic American Foods Division, LLC (Naturally Potatoes) through a letter to the Department dated December 1, 2005. These include the following:

- A. Air Emission License A-911-71-A-N
- B. Waste Discharge License W007949-5P-B-R

The Department accepted Naturally Potatoes' license transfer application as complete for processing on December 16, 2005.

II. History

On September 23, 2005, Basic American, Inc. acquired Fresh Way, Inc. d/b/a Naturally Potatoes. As a result of the acquisition, the assets of Fresh Way, Inc. were transferred to a new division of Basic American, Inc., namely Naturally Potatoes a Basic American Foods Division, LLC, which was formed on September 9, 2005. The assets, located in Mars Hill, Maine, are now held by Naturally Potatoes a Basic American Foods Division, LLC. A copy of the deeds evidencing the transfer of title, right, or interest to Naturally Potatoes a Basic American Foods Division, LLC was submitted to the Bureau of Air Quality on December 15, 2005.

III. Transfer Requirements

A. Title, Right, or Interest

In their application, Naturally Potatoes submitted copies of property deeds transferring ownership of the facility to Naturally Potatoes. The parties have provided sufficient evidence of title, right, or interest in the Mars Hill facility to allow the transfer to Naturally Potatoes of the facility's licenses.

B. Financial Capacity and Intent

Naturally Potatoes submitted a balance sheet dated January 25, 2006. In 2005, the balance sheet shows that Naturally Potatoes had total assets in excess of \$22.8 million. Naturally Potatoes has demonstrated sufficient financial capacity and intent to assure compliance with all MEDEP licenses listed.

C. Technical Capacity and Intent

Naturally Potatoes' acquisition of the Mars Hill facility is not expected to result in any significant change in the employees that currently operate the equipment, facilities, and conduct other activities. The facility's regulatory history with the MEDEP demonstrates that the environmental personnel are competent in air pollution control, wastewater control, and solid waste handling and disposal. The information submitted in the application provides sufficient evidence that Naturally Potatoes has the technical capacity and intent to comply with all MEDEP licenses listed.

D. Full Name and Address

The full name and address of the new owner is:

Naturally Potatoes a Basic American Foods Division, LLC
115 Presque Isle Road (P.O. Box 390)
Mars Hill, ME 04758-0390

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E. Certification

Naturally Potatoes certifies that there will be no increase in air emissions beyond that provided for in the existing licenses, either in quantity or type.

ORDER

Based on the above, the Department concludes that the applicant has the capacity to satisfy all MEDEP licenses associated with the facility described in this Order's findings. Therefore the MEDEP APPROVES the transfer of the all listed licenses from Fresh Way Inc. d/b/a Naturally Potatoes to Naturally Potatoes a Basic American Foods Division, LLC, subject to all conditions attached to them.

DONE AND DATED IN AUGUSTA, MAINE THIS DAY OF 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: _____
DAVID P. LITTELL, COMMISSIONER

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: 12/15/05

Date of application acceptance: 12/16/05

Date filed with the Board of Environmental Protection: _____

This Order prepared by Lynn Ross, Bureau of Air Quality.